IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 21927 of 2007(S)

AGAINST THE ORDER IN IA 3244 2005 IN
OP.1559/2003 of FAMILY COURT,TRIVANDRUM
.....

PETITIONER:

PRADEEPKUMAR, S/O.KRISHNAN NAIR,
VADAKKEMADOM, KUMARANELLOOR, KOTTAYAM.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENTS:

JYOTHI ABHILASH, GOPIKA, TC 13/2103,
ATTARA LANE, KANNAMMOOLA, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14/11/2007, ALONG WITH WPC NO.21928 OF 2007 THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.21927/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE JUDGMENT OF THE FAMILY COURT, THIRUVANANTHAPURAM IN O.P.NO.1559/2003 DATED 15-11-2005

EXT.P2. TRUE COPY OF I.A.NO.3244/2005 IN O.P.NO.1559/2003 FILED IN THE FAMILY COURT, THIRUVANANTHAPURAM DATED 13-12-2005

EXT.P3. TRUE COPY OF THE ORDER OF THE FAMILY COURT, THIRUVANANTHAPURAM IN I.A.NO.3244/2005 IN O.P.NO.1559/2003 DATED 18-7-2006.

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

W.P(C)Nos.21928 & 21927 of 2007

Dated this the 14th day of November, 2007

JUDGMENT

Kurian Joseph,J.

These are writ petitions filed at the instance of the respondent in O.P.No.1558/2003 and O.P.No.1559/2003 on the file of the Family Court, Thiruvananthapuram. The former is for dissolution of the marriage and the latter is for maintenance and return of gold ornaments. Pursuant to our directions the parties along with their children are present.

2. Thanks to the co-operation extended by the parties and the learned counsel appearing for the parties. The parties have agreed to settle the disputes amicably. As far as the subject matter of W.P(C)No.21928/2007 arising from O.P.No.1558/2003 on the file of the Family Court, Thiruvananthapuram is concerned, the parties have mutually consented for a decree of divorce. They have filed I.A.No.15214/2007 in that regard. By a separate order we have allowed that petition. Therefore nothing survives in W.P(C)No.21928/2007. It is closed in terms of the

order in I.A.No.15214/2007.

3. Since the parties have settled the dispute and this court has granted a decree of divorce by mutual consent nothing survives in O.P.No.1558/2003 on the file of the Family Court, Thiruvananthapuram. The said original petition is hence struck off from the rolls of the said court.

4. As far as W.P(C)No.21927/2007 is concerned, the parties and their respective counsel submit before us that the whole claims can be settled in the following terms:-

(i) The petitioner shall return 50 soverigns of gold to the respondent.

(ii) Towards maintenance to the three children born to the petitioner in the respondent he will pay an amount of Rs.10,000/- bimonthly. The arrears will also be settled as per the above terms. Needless to say that the amounts already paid will be duly adjusted. For the payment of the arrears and the return of the gold ornaments, the petitioner is granted a period of one month.

(iii) The petitioner is free to visit the children at the work

place of the respondent for which appropriate arrangements will be made by the respondent on the request of the petitioner.

5. In view of the settlement of the disputes as above, nothing survives in O.P.No.1559/2003 on the file of the Family Court, Thiruvananthapuram. The said original petition is struck off from the rolls of the said court.

The writ petitions are disposed of as above.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

W.P(C)Nos.21928 & 21927
of 2007

JUDGMENT

14th November, 2007